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SIPDIS

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USOSCE FOR R. BARBER

SENSITIVE

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SUBJECT: KAZAKHSTAN: PRESIDENTIAL ELECTIONS TO BE HELD IN
DECEMBER 2005

REF: Almaty 2985

[1](#)1. (SBU) Summary: The Constitutional Council of Kazakhstan announced that Presidential elections should be held on December 4, 2005. The elections were previously scheduled for December 2006. The Constitutional Council's ruling was in response to an inquiry from the Mazhilis. The question of timing had provoked a great deal of public debate in recent months, as elections in 2006 would have given President Nazarbayev almost an eight-year term. Once the Mazhilis confirms the date, nominations will be accepted until October 4. Candidates must register by October 25. End Summary.

A Decision, Finally

[1](#)2. (U) On August 19, the Constitutional Council announced that in accordance with Article 41 of the Constitution, presidential elections should be held on the first Sunday in December 2005. The new president will be sworn in on January 11, 2006.

[1](#)3. (SBU) The ruling was issued in response to a July 8 inquiry from a group of parliamentarians led by Valeriy Kotovich, one of the drafters of the controversial NGO laws. The parliamentarians questioned the GOK's assertions that elections should be held in December 2006 in order to comply with Article 94 of the Constitution. They argued that Article 41 of the Constitution, which specifies a seven-year term for the president, should take precedence. (Note: Nazarbayev was sworn in for his current term on January 20, [1](#)999. December 2006 elections would have given him a term of almost eight years. End note.) Although it was widely believed that the Presidential Administration favored December 2005 elections, the Constitutional Council postponed its decision several times rather than ruling within the required one-month period.

Nomination and Registration

[1](#)4. (U) Now that the Constitutional Council has issued its opinion, the Mazhilis (lower house of parliament) must officially call the elections. After it reconvenes on September 1, it has until September 11 to adopt the necessary legislation. It must comply with the Council's opinion and with the Constitution, which specifies that presidential elections are to be held on the first Sunday in December. Once the Mazhilis officially sets the election date, nomination of candidates will be permitted until two months before election day, i.e. October 4. Self-nomination is permitted. (Note: The dates given below are approximate, based on post's interpretation of applicable Kazakhstani laws. End note.)

[1](#)5. (U) Once a candidate has submitted nomination registration materials, the Central Election Commission (CEC) has five days to determine the candidate's eligibility for office. Article 41 (2) of the Constitution requires that the President be at least 40 years of age, have a "perfect command" of the Kazakh language, have lived in Kazakhstan for at least fifteen years and have no criminal record.

[1](#)6. (U) After the CEC certifies that a candidate is eligible, he/she then has five days to gather signatures supporting their candidacy. Each candidate must provide petitions from "at least two-thirds" of the 16 oblast-level voting districts, i.e. eleven. The petition for each oblast must contain the signatures of at least one percent of eligible voters in that oblast. Candidates must also deposit the equivalent of \$2,600 into a CEC account, and they and their spouses must file tax returns and property statements.

[1](#)7. (U) After completing the aforementioned steps, candidates

will then have to register officially with the CEC. The official registration period is expected to be October 4 - 25. The CEC is required to publish the names of registered candidates within seven days of registration. Candidates who are not registered by the CEC have ten days to appeal the decision to the Supreme Court. The court must rule on the appeal within ten days. Thus, if a candidate were rejected at the last moment (October 25), he/she would have until November 4 to appeal to the Supreme Court, which would have to rule by November 14. If there is only one candidate registered by October 25, the registration period will be extended by 20 days, to November 14.

Campaigning, Election and Counting

18. (U) The electoral campaign will run from October 26 to December 2. Local authorities will be required to announce the polling stations in their districts by November 24. By law, all campaigning and political activities must cease by 6:00 p.m. local time on December 2. The election will take place on December 4, with polling places open from 7:00 a.m. to 8:00 p.m. Local commissions have discretion to open as early as 6:00 a.m. and close as late as 10:00 p.m.

19. (U) Local commissions have up to two days to report their results to the Central Election Commission, and thus the CEC must have the counts by December 7. The CEC has seven days from the closing of the election (i.e. until December 11) to confirm the results and ten days (i.e. until December 14) to announce the election results. Legislation passed in 2005 prohibits rallies and demonstrations from the end of campaigning (December 2) until the announcements of final election results.

10. (U) Candidates can challenge the election results to the Supreme Court within ten days of the CEC posting the results. The court will have ten days to rule on any challenges.

11. (U) In the event no candidate receives 50 percent of the vote, Article 41 (4) of the Constitution specifies that a runoff election between the top two candidates must be held within two months. If the December 4 election is found invalid or if a runoff fails to determine a clear winner, the CEC would have to conduct a new election.

12. (U) According to Article 42 (2) of the Constitution, the presidential inauguration is held the second Wednesday in January, i.e. January 11, 2006.

13. (U) Minimize for Dushanbe considered.

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